

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

LISA BIRON,
(BOP No. 12775-049)

Plaintiff,

v.

JODY UPTON, Warden,
FMC-Carswell, et al.

Defendants.

Civil Action No. 4:15-CV-205-O

MOTION FOR EXTENSION OF TIME

This case was previously dismissed in the screening process but is on remand from the Fifth Circuit to allow plaintiff Lisa Biron to file an amended complaint against certain *Bivens* defendants. That complaint has now been filed; the Court ordered service of process; and the U.S. Attorney's Office and the *Bivens* defendants were served in late November 2018. More recently, due to a lapse in appropriations for the Department of Justice as part of the ongoing partial government shutdown, the Chief Judge for this district entered an omnibus order staying various civil cases in this district in which the federal government or federal officers are a party. However, because the time for responding to the complaint in this case had not yet arrived at the time the stay was entered, no AUSA had yet appeared as counsel for the defendants, and thus the stay did not apply to this case. *See* Order Granting Government's Omnibus Motion for Stay of Cases in Light of Lapse of Appropriations (N.D. Tex. Dec. 28, 2018) (staying cases in

this district in which “the attorney of record is an Assistant United States Attorney in the U.S. Attorney’s Office for the Northern District of Texas”).

For the same reasons that the omnibus stay was requested in civil cases in which an AUSA had already appeared as counsel, the federal defendants in this case now request that the deadline for answering or otherwise responding to the complaint in this case be extended during the period of the lapse in appropriations, such that the deadline to answer or otherwise respond to plaintiff’s complaint be extended to seven days after appropriations have been restored to the Department of Justice.

Respectfully submitted,

ERIN NEALY COX
United States Attorney

/s/ Brian W. Stoltz
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Attorneys for Defendants Upton,
Cimperman (Carter), Wenger, Kingsley,
and Smith-Branton

Certificate of (No) Conference

Plaintiff is incarcerated, and I have not been able to confer with her about the relief requested herein.

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney

Certificate of Service

On January 22, 2019, I served the foregoing document on plaintiff Lisa Biron by mailing it to her via prepaid first-class mail, addressed as follows:

Lisa Biron # 12775-049
FCI Waseca
P.O. Box 1731
Waseca, MN 56093

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney